

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: DAVID CUTLER INDUSTRIES, LTD.	:	Chapter 11
	:	
Debtor	:	Bky. No. 09-18716 ELF
	:	
	:	
	:	
DAVID CUTLER INDUSTRIES, LTD.	:	
	:	
Plaintiff	:	
	:	
v.	:	
	:	Adv. No. 10-0042
CONVERTING SOLUTIONS, LP, et al.	:	
	:	
Defendants	:	

**ORDER**

AND NOW, upon consideration of the Motion to Dismiss the First Amended Complaint filed by Defendant Mark Fishman (Doc. # 19), the Joinder thereto filed by Defendant Eric Seltzer (Doc. # 21) (collectively, "the Motion") and the Plaintiff's responses thereto (Doc. #28), it is hereby **ORDERED** that

1. The Motion is **DENIED**.<sup>1</sup>
2. Defendants Fishman and Seltzer shall file their respective Answers to the First Amended Complaint **on or before June 1, 2010**.

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<sup>1</sup> The Plaintiff's only claim against Defendants Fishman and Seltzer is under 11 U.S.C. §550, found in Count II of the First Amended Complaint. The Defendants' Motion will be denied because the First Amended Complaint sets forth sufficient factual matter to make out a "plausible case," see Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009), that any avoidable transfers were made for the benefit of Defendants Fishman and Seltzer. See In re McCook Metals, L.L.C. 319 B.R. 570, 592 & n.18 (Bankr. N.D. Ill. 2005); see also In re Slatkin, 243 Fed. Appx. 255 (9<sup>th</sup> Cir. 2007) (nonprecedential); Boyer v. Belavilas, 474 F.3d 375 (7<sup>th</sup> Cir. 2007).

A handwritten signature in black ink, appearing to read 'E. Frank', written over a horizontal line.

**Date:** May 10, 2010

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**ERIC L. FRANK**  
**U.S. BANKRUPTCY JUDGE**